

Please type plus sign (+) inside this box []

[+]

9-13-04

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/015,395
Filing Date	DECEMBER 12, 2001
First Named Inventor	KEVIN P. BAKER
Group/Art Unit	1647
Examiner Name	LANDSMAN, ROBERT S.

Total Number of Pages in This Submission

175

Attorney Docket Number

39780-2830 P1C57

ENCLOSURES (check all that apply)

☒ **FEE TRANSMITTAL FORM**

☐ Fee Attached

☒ **AMENDMENT / RESPONSE**

☐ After Final

☐ Version With Markings Showing Changes

☐ Affidavits/declaration(s)

☒ **EXTENSION OF TIME REQUEST
(3 MONTH)**

☒ **INFORMATION DISCLOSURE
STATEMENT (WITH PTO-1449)**

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Copy of Notice

☐ Copy of an Assignment

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ **ADDITIONAL ENCLOSURE(S)
(PLEASE IDENTIFY BELOW):**

☒ **DECLARATION OF SHERMAN FONG, Ph.D.; PAGES 504,519-520 and 523 OF PCT PUBLICATION WO 00/78961; PAGES 103-104 OF US PROVISIONAL APPLICATION NO. 60/144,758; ATCC DEPOSIT RECEIPT; 25 REFERENCES; and STAMPED RETURN POSTCARD**

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C57.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name

HELLER EHRMAN WHITE & McAULIFFE LLP

ANNA L. BARRY (Reg. No. 51,436)

275 Middlefield Road, Menlo Park, California 94025

Telephone: (650) 324-7000

Facsimile: (650) 324-0638

Signature

Anna L. Barry

Date

SEPTEMBER 9, 2004

Customer Number:

35489

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **SEPTEMBER 9, 2004**

Express Mail Label **EL 977 678 230 US**

Typed or printed name

C. FONG

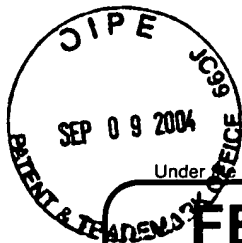
Signature

C. Fong

Date

SEPTEMBER 9, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,130.00

Complete if Known

Application Number	10/015,395
Filing Date	DECEMBER 12, 2001
First Named Inventor	KEVIN P. BAKER
Examiner Name	LANDSMAN, ROBERT S.
Art Unit	1647
Attorney Docket No.	39780-2830 P1C57

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

08-1641 (39780-2830 P1C57)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid	
Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	950.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	180.00
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1,130.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	ANNA L. BARRY	Registration No. (Attorney/Agent)	51,436	Telephone	(650) 324-7000
Signature		Date	SEPTEMBER 9, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kevin P. BAKER, et al.

Application Serial No. 10/015,395

Filed: December 12, 2001

For: **SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Landsman, Robert S.

) Art Unit: 1647

) Confirmation No: 9919

) Attorney's Docket No. 39780-2830 P1C57

) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 977 678 230 US
DATE MAILED: SEPTEMBER 9, 2004

AMENDMENT AND RESPONSE TO OFFICE ACTION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on March 17, 2004, in connection with the above-identified patent application (Paper No. 031104), please enter the following amendments, and consider the following arguments. This response is timely filed with a request for Extension of Time for three months with fees. Attached herewith are pages 504, 519-520 and 523 of PCT publication, WO 00/78961, corresponding to PCT application, PCT/US00/04342, and pages 103-104 of U.S. Provisional Application No. 60/144,758 in support of Applicants' priority claim.

Also filed herewith is an Information Disclosure Statement. Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begins on page 4 of this paper.

Remarks/Arguments begin on page 13 of this paper.